

TENTATIVE RULINGS for CIVIL LAW and MOTION

May 20, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **B.E. Giovannetti & Sons v. Sandhu**

Case No. CV CV 07-759

Hearing Date: **May 20, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff B.E. Giovannetti & Sons' motion to enter default and default judgment is **GRANTED IN PART**. (Code Civ. Proc., § 585, subds. (a)-(c).)

The request to enter default against Robert Kane and The Abbey School/The Abbey Montessori School Woodland is **GRANTED**.

The request to enter default judgment by Court is **DENIED WITHOUT PREJUDICE**. The court cannot enter the default judgment at this time because plaintiff failed to include the mandatory Request for Entry of Default (Judicial Council **form CIV-100**) as required by California Rule of Court, rule 3.1800.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Chiles Road Investors v. Wei**

Case No. CV UD 09-1130

Hearing Date: **May 20, 2009** **Department Fifteen** **9:00 a.m.**

The demurrer by Agri-Analysis LLC is **OVERRULED**.

Hinman v. Wagon (1959) 172 Cal.App.2d 24 is factually distinguishable. Unlike the notice in *Hinman*, the 3-day notices in this case instructed the defendant to (1) pay \$500 or quit the property, and (2) perform the conditions set forth in the notice or quit the property.

Agri Analysis, LLC is a party to the lease that is the subject of this action. (Exhibit 1 to the complaint.) It is alleged that Alan Wei does business as Agri Analysis LLC. For purposes of

demurrer, the Court must accept this factual allegation as true. Contrary to the assertion in the demurrer, the complaint does not name “all others in possession” as a defendant.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: County Fair Fashion Mall, LLC v. Fireman’s Fund Ins. Co.
Case No. CVCV 09-80

Hearing Date: May 20, 2009 Department Fifteen 9:00 a.m.

This matter is dropped from the calendar. Plaintiff filed a first amended complaint on May 5, 2009.

TENTATIVE RULING

Case: Pan International, Ltd. v. Coen Company, Inc.
Case No. CV CV 09-704

Hearing Date: May 20, 2009 Department Fifteen 9:00 a.m.

The application to admit Melvin Lee Smith, Jr. *pro hac vice* is **GRANTED**. (Cal. Rules of Court, Rule 9.40.) Plaintiff shall serve the defendant with a copy of the Court’s order.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as described herein, is required.

TENTATIVE RULING

CASE: People v. \$1,060.00
Case No. CV PT 06-318

Hearing Date: March 20, 2009 Department Fifteen 9:00 a.m.

The unopposed motion to have the truth of the matters stated in the first set of request for admissions from the People to Salvador Vasquez deemed admitted and for monetary sanctions is **DENIED**. Requests for admission may only be served on a party to the action. (Code Civ. Proc., § 2033.010.) Salvador Vasquez is not a party to this action.

This matter is set for a trial-setting conference on Thursday, June 4, 2009, at 1:30 p.m. in Department Ten.

The People shall serve the claimant Luis Alfredo Vasquez with a copy of this order by no later than May 22, 2009, and file a proof of service showing such service.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as described herein, is required.

